

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JOSEPH J. MORRIS, on behalf of himself
and all others similarly situated,

Plaintiffs,

v.

R.A. POPP ENTERPRISES, INC. d/b/a
WHEATFIELDS EATERY AND BAKERY,
RONALD POPP, RUTH ANN POPP,
KAREN POPP, and ANDREW POPP,

Defendants.

Case No. 8:11-cv-263

**DEFENDANTS' MOTION TO
DECERTIFY COLLECTIVE ACTION**

Defendants R.A. Popp Enterprises, Inc. d/b/a Wheatfields Eatery and Bakery, Ronald Popp, Ruth Ann Popp, Karen Popp, and Andrew Popp (collectively, the "Defendants") hereby move the Court for an Order decertifying the collective action that this Court previously conditionally certified (Filing Nos. 27, 31), dismissing the opt-in Plaintiffs' claims without prejudice, and permitting Joseph J. Morris, the only named Plaintiff in this action, to proceed to trial on his individual claims against Defendants. Defendants' accompanying Brief provides legal and factual support for this Motion.

WHEREFORE, Defendants R.A. Popp Enterprises, Inc. d/b/a Wheatfields Eatery and Bakery, Ronald Popp, Ruth Ann Popp, Karen Popp, and Andrew Popp respectfully request that the Court enter an Order decertifying the collective action that this Court previously conditionally certified (Filing Nos. 27, 31), dismissing the opt-in Plaintiffs' claims without prejudice, permitting Joseph J. Morris, the only named Plaintiff in this

action, to proceed to trial on his individual claims against Defendants, and granting such other, further and different relief as to this Court seems just and equitable.

Dated this 13th day of November 2013.

R.A. POPP ENTERPRISES, INC. d/b/a
WHEATFIELDS EATERY & BAKERY,
RONALD POPP, RUTH ANN POPP,
KAREN POPP, and ANDREW POPP,
Defendants,

By: *s/ Brenda K. Smith*

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Attorneys for Defendants.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 13th day of November 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all CM/ECF participants.

By: *s/ Brenda K. Smith*

Brenda K. Smith